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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,502	03/01/2002	John K. Burgess	7-9-4-17-4	2139

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Docket Administrator (Room 3J-219)
Lucent Technologies Inc.
101 Crawfords Corner Road
Holmdel, NJ 07733-3030

EXAMINER

TON, ANTHONY T

ART UNIT PAPER NUMBER

2661

DATE MAILED: 01/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,502

Applicant(s)

BURGESS ET AL.

Examiner

Anthony T Ton

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 July 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.



PHIRIN SAM

PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Abstract

1. The abstract is objected to because of the following informalities:

Term “time division multiplexed **unto** the synchronization channel” in lines 3-4 is misspelling for the work “unto”.

Examiner suggests changing this term to “time division multiplexed **onto** the synchronization channel”.

Appropriate correction is required.

Specification

2. The disclosure is objected to because of the following informalities:

a) Term “time division multiplexed **unto** the synchronization channel” in page 2, lines 14-15 is misspelling for the work “unto”.

Examiner suggests changing this term to “time division multiplexed **onto** the synchronization channel”.

b) Term “a sequence **80**” in page 7, line 15 is not associated with the sequence 20 labeled in Fig.1, and such a sequence 80 cannot be found in Fig.3.

Examiner suggests changing this term to “a sequence **20**”.

Appropriate correction is required.

Claim Objection

3. **Claims 8 and 14** are objected to because of the following informalities:

a) **Claim 8:** The claimed limitation “**the** protocol revision” in line 2 is lack of anticipation. Is this limitation the same as the claimed limitation “a same protocol revision” in line 2 of Claim 7?

Examiner suggests changing this claimed limitation to “**a** protocol revision”.

b) **Claim 14:** The claimed limitation “**the** protocol revision” in line 2 is lack of anticipation. Is this limitation the same as the claimed limitation “a same protocol revision” in line 7 of Claim 12?

Examiner suggests changing this claimed limitation to “**a** protocol revision”.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1-11** are rejected under 35 U.S.C. 102(e) as being anticipated by *Kazmi et al.* (US Patent Application Publication No. **2002/0159416 A1**) hereinafter referred to as *Kazmi*.

a) **In Regarding to Claim 1:** *Kazmi* disclosed a method for transmitting synchronization messages, comprising the steps of:

transmitting a plurality of synchronization messages having at least two types of synchronization messages (*see Para. [0017] in page 3*), where at least one type of synchronization message is valid and where at least one type of synchronization message is

invalid (*see Para. [0032]-[0033] in page 4: in which, Kazmi discloses a Type II synchronization message is valid for IS-2000 mobiles, while it is invalid for pre-IS-2000 mobiles such as IS-95*).

b) In Regarding to Claim 2: *Kazmi further disclosed the invalid type of synchronization message has an incorrect length (see Paras [0011] and [0039]).*

c) In Regarding to Claim 3: *Kazmi further disclosed the invalid type of synchronization message has at least one missing field (see Figs. 3-6: wherein, the field 206 in Figs.4-6 used for Type-II sync message that could not be found in Type-I sync message in Fig.3).*

d) In Regarding to Claim 4: *Kazmi further disclosed the invalid type of synchronization message has at least one field containing invalid data (see Para. [0011]: five bits of zero-padding (invalid data) relative to the synchronization message used in an IS-95 system).*

e) In Regarding to Claim 5: *Kazmi further disclosed the invalid type of synchronization message does not conform to a protocol revision specified in the synchronization message (see Para. [0033] in page 4: In which, Kazmi disclose the function of "determining" may simply include receiving and processing a valid sync message and ignoring one that, to the pre-IS-2000 mobile station 14a, appears to be invalid).*

f) In Regarding to Claim 6: *Kazmi disclosed a method for transmitting synchronization messages, comprising the steps of:*

transmitting a plurality of synchronization messages having at least two types of synchronization messages (see Para. [0017] in page 3), where at least one type of synchronization message is valid and where at least one type of synchronization message is invalid (see Para. [0032]-[0033] in page 4: in which, Kazmi discloses a Type II synchronization

message is valid for IS-2000 mobiles, while it is invalid for pre-IS-2000 mobiles such as IS-95), and

where the at least two types of synchronization messages are time division multiplexed using an uneven distribution (see Para. [0006] in page 1: in which, Kazmi discloses a technique for TDMA with one or more time slots being assigned to each communication).

g) In Regarding to Claim 7: *Kazmi further disclosed the at least two types of synchronization messages contain data specifying a same protocol revision (see Figs.3 and 4: Both Type-I sync message and Type-II sync message are used the same Protocol Revision 330 and IS-2000 synchronization message 350).*

h) In Regarding to Claim 8: *Kazmi further disclosed the invalid type of synchronization message does not conform to the protocol revision specified in the synchronization message (see Para. [0033] in page 4: In which, Kazmi disclose the function of "determining" may simply include receiving and processing a valid sync message and ignoring one that, to the pre-IS-2000 mobile station 14a, appears to be invalid).*

i) In Regarding to Claim 9: *Kazmi further disclosed the invalid type of synchronization message has an incorrect length (see Paras [0011] and [0039]).*

j) In Regarding to Claim 10: *Kazmi further disclosed the invalid type of synchronization message has at least one missing field (see Figs. 3-6: wherein, the field 206 in Figs.4-6 used for Type-II sync message that could not be found in Type-I sync message in Fig.3).*

k) In Regarding to Claim 11: *Kazmi further disclosed the invalid type of synchronization message has at least one field containing invalid data (see Para. [0011]: five bits of zero-padding (invalid data) relative to the synchronization message used in an IS-95 system).*

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. **Claims 12-17** are rejected under 35 U.S.C. 103(a) as being unpatentable over *Kazmi et al.* (US Patent Application Publication No. **2002/0159416 A1**) in view of *Tiedemann, JR. et al.* (US Patent Application Pub. No. **2003/0161283 A1**) herein after referred to as *Tiedemann*.

a) **In Regarding to Claim 12:** *Kazmi* disclosed a method for transmitting synchronization messages, comprising the steps of:

transmitting a plurality of synchronization messages having at least two types of synchronization messages (*see Para. [0017] in page 3*), where at least one type of synchronization message is valid and where at least one type of synchronization message is invalid (*see Para. [0032]-[0033] in page 4: in which, Kazmi discloses a Type II synchronization message is valid for IS-2000 mobiles, while it is invalid for pre-IS-2000 mobiles such as IS-95*), and

where the at least two types of synchronization messages contain data specifying a same protocol revision (*see Figs.3 and 4: Both Type-I sync message and Type-II sync message are used the same Protocol Revision 330 and IS-2000 synchronization message 350*); and

Kazmi fails to explicitly disclose transmitting at least one paging message instructing a receiver conforming to the same protocol revision to reacquire a synchronization message.

Tiedemann explicitly disclosed transmitting at least one paging message instructing a receiver conforming to the same protocol revision to reacquire a synchronization message (*see Paras. [0023] and [0024] in page 3*).

At the time of the invention, it would be obvious to a person of ordinary skill in the art to implement such transmitting at least one paging message instructing a receiver conforming to the same protocol revision to reacquire a synchronization message, as taught by *Tiedemann* with *Kazmi*, so that appropriate synchronization messages can be received and processed by IS-2000 mobile phones. The motivation for doing so would have been to support different types of mobile phones such as IS-95 and IS-2000 standards (*see Tiedemann: para. [0022] in page 3*). Therefore, it would have been obvious to combine *Tiedemann* with *Kazmi* in the invention as specified in the claim.

b) In Regarding to Claim 13: *Kazmi* further disclosed the at least two types of synchronization messages are time division multiplexed using an uneven distribution (*see Para. [0006] in page 1: in which, Kazmi discloses a technique for TDMA with one or more time slots being assigned to each communication*).

c) In Regarding to Claim 14: *Kazmi* further disclosed the invalid type of synchronization message does not conform to the protocol revision specified in the synchronization message (*see Para. [0033] in page 4: In which, Kazmi disclose the function of "determining" may simply include receiving and processing a valid sync message and ignoring one that, to the pre-IS-2000 mobile station 14a, appears to be invalid*).

d) In Regarding to Claim 15: *Kazmi* further disclosed the invalid type of synchronization message has an incorrect length (*see Paras [0011] and [0039]*).

e) **In Regarding to Claim 16:** *Kazmi* further disclosed the invalid type of synchronization message has at least one missing field (*see Figs. 3-6: wherein, the field 206 in Figs.4-6 used for Type-II sync message that could not be found in Type-I sync message in Fig.3).*

f) **In Regarding to Claim 17:** *Kazmi* further disclosed the invalid type of synchronization message has at least one field containing invalid data (*see Para. [0011]: five bits of zero-padding (invalid data) relative to the synchronization message used in an IS-95 system).*

Examiner Information

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Anthony T Ton** whose telephone number is **571-272-3076**. The examiner can normally be reached on M-F: 9:00 am - 5:30 pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Chau Nguyen** can be reached on **571-272-3126**. The fax phone number for the organization where this application or proceeding is assigned is **703-872-9306**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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Art Unit: 2661

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Respectfully submitted,

by: 
Anthony T. Ton
Patent Examiner
January 17, 2005



PHIRIN SAM
PRIMARY EXAMINER